

**CHECK THE BOX THAT APPLIES:**

|                                       |   |  |                                 |
|---------------------------------------|---|--|---------------------------------|
| <input type="checkbox"/> New Position | <input checked="" type="checkbox"/> Vacant Position | <input type="checkbox"/> Filled Position | <input type="checkbox"/> Update |
|                                       | <input type="checkbox"/> Abolishment                | <input type="checkbox"/> Reallocation    |                                 |

## JOB SUMMARY

Summarize the scope of work of the position:

Reporting to the Deputy Administrator for operations, this position manages the office of legal services and provides guidance and in-house legal support for the Health Care Authority. The Director of Legal Services is responsible for providing technical legal assistance and oversight of legal services in areas having agency/statewide scope including: HIPAA, ERISA, tax, procurement and contracting, public disclosure requests, Washington Administrative Code development and review, employment relations and risk management. In cooperation with the agency's assigned Assistant Attorneys General, the position will manage the agency's legal claims and coordinate legal advice and representation.

This position has agency wide responsibilities and interacts with executives and mid-management, as well as with all levels of the organization. The position demands consistent use of expert judgment and decision making in the provision of services to the executives of the Health Care Authority.

The Director of Legal Services will be responsible for the analysis of new federal and state employee benefit and health care insurance laws and regulations. The Director of Legal Services will provide direction, and recommendations to specific operational departments impacted by new or existing laws and regulations. The position will assume the role of key internal contact providing ongoing compliance guidance relative to changes impacting agency benefits/products/programs in response to market, legal, and regulatory development. The Director of Legal Services will identify potential legal issues and recommend steps necessary to ensure compliance with all federal and state laws and regulations, which will require legal judgment, experience, and independent reasoning.

The Director of Legal Services is responsible for the Health Care Authority's legal issues including managing any and all resources supporting this area. The position oversees and coordinates attorney projects and workloads. Manages the agency's Administrative appeals including developing and maintaining policies and procedures for the program. The Director of Legal Services is also responsible for coordinating legal advice and representation with the Attorney General's office. The Director of Legal Services oversees document preparation and review associated with the agency's policies and guidelines, has budget responsibility for this area, and participates in various cross-functional teams as a representative of this practice group.

## SUPERVISORY RELATIONSHIPS

IMMEDIATE SUPERVISOR'S NAME:

Beth Dupre

SUPERVISOR'S TITLE:

Deputy Administrator, HCA

### PART 1:

Check the statement that most accurately describes the level of supervision you exercise over this position:

- ☐ Close, detailed
- ☐ Spot-check basis only
- ☒ Little, employee responsible for devising own work methods
- ☐ Other, please explain:

Summarize the following information in narrative format:

- How is work assigned?
- With whom does the position interact to accomplish work?
- Indicate any specific policies, procedures, guidelines or regulations/standards under which work is performed.

Example:

**Summary:**

**This position reports to the Deputy Administrator for operations at the Health Care Authority and interacts with legislative committees, special interest groups, health care executives, senior management of other agencies, executive team members within the Health Care Authority, mid-level managers, front line supervisors, and program staff persons. Work may be assigned both in writing and verbally, depending on the assignment.**

**PART 2:**

Is this a supervisory position?

Yes

Is this a lead position? ☒ No

If "yes" list the number of subordinate employees by job classification and the number of hours they work per week:

Check the boxes that apply:

Does this position Hire Evaluate Correct Discipline Terminate Others Assign Work Instruct and Check the Work of Others? Yes

Add any additional information that clarifies this position's supervisory or lead responsibilities:

**Currently, this position does not have any assigned direct reports; however, it is possible an agency reorganization could bring administrative, paralegal, and/or other positions reporting to the Director of Legal Services.**

Attach an organizational chart if available.

**ESSENTIAL FUNCTIONS**

List the essential functions of the position in decreasing order of importance by percentage of time spent on each. Functions listed in this section should fall into one or more of the following categories:

- A. Job tasks that are fundamental, not marginal, and are the primary reason(s) for which the job was established. These tasks cannot normally be transferred to another position without disruption in the flow or process of work.
- B. Any task(s) that is so critical that it cannot be eliminated from the description of the job without significantly changing the position's role and contribution to the organization.
- C. Any task(s), regardless of the frequency of performance, which cannot be assumed by another employee, whether of the same or different position, either due to undue hardship to the employer or unavailability of alternate incumbent, yet still must be accomplished.
- D. Any task(s), which if eliminated would so significantly impact the description of the position that it would require a change in classification and/or salary range.

**Percentage\***

☐ By month

☒ By year

☐ Other:

**Essential Functions**

|     |  |
|-----|--|
| 20% | <p>Provides consultation services to HCA executive management on legal matters pertaining to health care insurance and employee benefit laws and regulations. The activities for which this position supports are complex, highly sensitive and/or controversial and involve the formulation/interpretation of policy and legislative decisions and are critical to the mission of the agency. It also involves providing guidance regarding federal and state laws and regulations which impact HCA programs and arranging for specific guidance from Assistant Attorney Generals and/or Special Assistant Attorneys General or consultants on more complex issues requiring specialized expertise such as ERISA, HIPAA, COBRA, ADEA, FMLA, USERRA, CMS, and IRC.</p> <p>General responsibilities include: managing relationships with Attorneys General office (regarding litigation and legal advice consulting with HCA executive staff on legal matters including: contracting, developing and drafting memoranda and other documents in connection with legal support, answering internal and external questions for legal guidance for employee benefits and/or individual health care management issues, serving as principal legal consultant for agency projects including implementation of new legislatively-mandated programs that support the agency's mission, and other legal support services as assigned).</p> |
| 20% | <p>Manages the agency's Administrative appeals including developing and maintaining policies and procedures for the program; researching legal issues; soliciting input from petitioners, employers, HCA staff, and external parties as required; drafting formal appeal decisions; providing periodic progress reports to executive management; and tracking and analyzing appeal decisions in order to recommend needed program changes or revised policies.</p> <p>Determines the merits of and issues legal decisions in response to appeals regarding eligibility, coverage, and related issues filed by members and applicants who appeal program decisions. This constitutes the final agency decision prior to the commencement of petition for judicial review under the Administrative Procedures Act.</p> <p>Conducts research and analysis, including evaluation of statutory provisions, Washington Administrative Code, court decisions, and prior Attorney General advice in preparing appeals decisions.</p> <p>Corresponds with applicants, members, employers and other interested parties regarding appeals.</p>  |
| 15% | <p>Acts as HCA's Public Disclosure Officer for purposes of Chapter 42.56 RCW, supervises the process for responding to public disclosure requests, and provides direction on complex requests. Either personally or through oversight of others is responsible for researching and responding to the agency's public disclosure requests, which include the determination of the applicability of exemptions. The Director of Legal Services also oversees the internal training program for program leads on the application of PDR policies and procedures, privacy of health care information, and the Executive Ethics Act, and the employees' responsibilities to monitor adherence to statutory requirements.</p>  |
| 15% | <p>Coordinates with programs on the administrative rules drafting and adoption process for all HCA programs, helps draft rules, and reviews proposed rules for consistency with statutory requirements. Position provides a centralized and coordinated process for rulemaking to conform to state APA requirements. Conducts rules hearings as required under the Administrative Procedure Act</p>  |
| 10% | <p>Interprets and drafts amendments for the Certificates of Coverage (CoC) for health plans participating in PEBB and BH. Ensures draft amendments to CoCs for PEBB and BH health plans accomplish program policy and operational goals. Coordinates with OIC and CoC policy and interpretation where regulatory and administrative roles overlap.</p>   |
| 10% | <p>Manages the overall legal exposure to the agency. Liaison with Attorneys General offices on torts, personnel appeal hearings, employee relations, etc. Coordinates with human resources, Department of Personnel, and outside counsel (when appropriate) to educate management staff in areas of exposure to risk such as just cause, discrimination, harassment, etc.</p>  |

|   |   |
|---|---|
| 5%  | Drafts motions and advises the Administrator regarding actions before the Public Employees Benefits Board; facilitates involvement of the AGO as necessary. Position provides guidance to the agency Administrator's role as chair of the PEBB board including compliance with the Open Public Meetings Act, the drafting of motions and other documents for the Board's decision-making and advising on rules and procedures necessary to conduct the PEBB Board's meetings. |
| * A spreadsheet for calculating percentages is available on the Department of Personnel web site at <a href="http://hr.dop.wa.gov/forms/dopforms.htm#pdf">http://hr.dop.wa.gov/forms/dopforms.htm#pdf</a> . |   |

### OTHER JOB DUTIES

List other duties which meet any of the following criteria:

- E. Any task(s) that is important to the organization, but less critical, and is more easily reassigned or moved out.
- F. Any task(s) that may be performed by another employee in the same or different position through job restructuring.
- G. Any task(s) that may be reassigned to another position without significantly impacting the classification and/or salary of the position.

If you are going to use the phrase "Other duties as assigned" (and this phrase is recommended), it must go in this section. It must also have a percentage assigned.

| Percentage*   | Other Job Duties          |
|---|---------------------------|
| <input type="checkbox"/> By month<br><input checked="" type="checkbox"/> By year<br><input type="checkbox"/> Other: |                           |
| 5%  | Other duties as assigned. |
|   |                           |
|   |                           |
|   |                           |

**(NOTE: Essential functions and other job duties together must total 100%)**

### QUALIFICATIONS

#### Required Education, Experience, and Competencies

- Represents legal requirements and those requirements determined by the agency or institution of higher education to be essential to the position.

Juris doctor degree

Two years practice experience preferably in Washington state health issues, such as health care insurance, employee benefits, HIPAA, and ERISA, government contracts and procurement.

Possess excellent interpersonal and client services skills as well as have the ability to work very closely and confidently with many different levels of management.

Advanced interpersonal, influencing, negotiation, consulting, analytical, and problem-solving abilities are needed as are strong drafting and researching skills.

Excellent communication skills, both verbally and in writing, with the ability to make clear, persuasive presentations to diverse groups.

Possess exceptional leadership skills and business acumen.

Ability to multi-task and work effectively under pressure in a rapidly changing environment in order to meet deadlines.

Must be able to work autonomously and as an effective member of a dynamic team. Demonstrate a work ethic capable of self-discipline, self-motivation and commitment to the highest standards of professional integrity, maturity, and judgment.

***Competencies are defined as those measurable or observable knowledge, skills, abilities, and behaviors critical to success in a key job role or function.***

#### **Preferred/Desired Education, Training and/or Competencies**

- Additional qualifications or characteristics that may enhance the effectiveness in performing the job, but that are **not required**. Additional credit may be given for preferences in the evaluation of applicants, but the appointing authority expects only some candidates will possess these. Also list exceptional or periphery qualifications or characteristics applicable to the position, **not required**, but which may bring an additional performance dimension. These would also be traits that most applicants or incumbents will not possess.

Washington state bar membership preferred but not required

Experience managing attorneys and/or similar functional areas.

A familiarity with the legislative environment, including political practices and protocols is also desired.

Previous state government experience and knowledge of government regulations.

Policy development experience.

Knowledge of the rulemaking process, including the Administrative Procedures Act (APA).

Advance knowledge of ERISA and experience drafting various plan documents and/or knowledge of employee benefit plan design and administration.

### **SPECIAL REQUIREMENTS AND/OR CONDITIONS OF EMPLOYMENT**

List any licensing, certification, or other special requirements and/or conditions of employment which are outside general qualifications:

#### **Examples:**

- Certification as Pesticide Applicator (???) or ability to obtain within six months of employment.
- Must pass driver's records check.
- Must pass job-related physical exam (???)
- Must pass Criminal Justice Records Check.
- Other....

### **WORKING CONDITIONS**

Describe working environment (office, field, indoors/outdoors, exposure to risks, safety requirements, etc.) and anticipated variation in working hours (such as flexible schedule, some evening and weekend work, occasional travel, etc.).

**Work is performed in an office environment. Some evening and weekend work and occasional travel may be required.**

**The job duties as defined are an accurate reflection of the work to be performed by this position.**

**Signatures**

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head or Appointing Authority

\_\_\_\_\_  
Date

**As the incumbent in this position, I have received a copy of this position description.**

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date